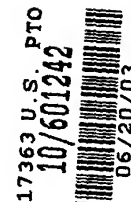


DOCKET NO.: ISIS-5213

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In Re Application of:

Phillip Dan Cook; And Brett P. Monia

For: Gapped 2'-Modified Oligonucleotides

EXPRESS MAIL LABEL NO: EV 325636649 US

DATE OF DEPOSIT: June 20, 2003

EV325636649US

☒ Mail Stop Patent Application ☐ Mail Stop Design ☐ Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find:

- ☐ A Utility Patent Application under 37 CFR § 1.53(b).
- ☒ A Utility Patent Application under 37 CFR § 1.53(b) as follows:
 - ☒ A Continuation of Application No. 09/951,052.
 - ☐ A Divisional of Application No.
 - ☐ A Continuation-in-part of Application No.
- ☐ A Design Patent Application (submitted in duplicate).

The above-identified application includes the following:

- ☐ A Request for Nonpublication
- ☐ A Specification including claims and abstract on pages 1 to .
- ☒ A copy of the specification including claims and abstract (pages 1-61) and drawings and appendixes (if any) of earlier application Serial No. 09/951,052 filed September 12, 2001, to which no new matter has been added. Such earlier application is hereby incorporated into the present application by reference.
 - ☒ A copy of the executed oath or declaration filed in the earlier application identified above is attached.
 - ☒ An Associate Power of Attorney executed by Joseph Lucci who is listed in the copy of the executed Declaration and Power of Attorney filed herewith.
 - ☐ A Copy of the Power of Attorney with Revocation filed in prior Application No.
 - ☐ Signed Statement deleting inventor(s) named in the prior application.
 - ☐ Please enter the amendment as follows to the specification under the "Cross-Reference to Related Applications" section (or amend the specification to include such a section as the first paragraph):
 - ☐ "This application is a continuation/divisional/continuation-in-part [choose one] of , filed , the entirety of which is incorporated herein by reference." [List others in chain as needed]
 - ☐ "This application claims benefit of Provisional Application No , filed , the entirety of which is incorporated herein by reference."
- ☐ This application claims foreign priority under 35 U.S.C. § 119 of Application No. filed in (Country).
- ☐ A Certified Copy of each of the above applications for which priority is claimed:
 - ☐ is enclosed.
 - ☐ has been filed in prior application Serial No. filed .
- ☒ 2 Sheets of Formal Drawings and/or Photographs.
 - ☒ Figure 1 should be published.
 - ☐ Petition to Accept Color Photographs is enclosed.

- ☐ A New Unexecuted Declaration or Oath and Power of Attorney.
- ☐ A New Executed Declaration or Oath and Power of Attorney.
- ☐ An Associate Power of Attorney executed by _____ who is listed in the Executed Declaration and Power of Attorney filed herewith.
- ☐ A newly Executed Assignment .
- ☐ A Recordation Form Cover Sheet.
- ☐ Recordation Fee - \$40.00.
- ☒ This application is assigned of record to ISIS Pharmaceuticals, Inc. as evidenced by the assignment filed at reel 012151 and frame no. 0341 in parent application serial no. 09/453,514 .
- ☒ A Preliminary Amendment is enclosed.
- ☒ A Sequence Listing consisting of pages 1-4.
- ☐ Diskette containing Sequence Listing is enclosed.
- ☒ The computer readable form in the above-identified application is identical with that filed in Application Serial Number 09/951,052, filed September 12, 2001. In accordance with 37 CFR § 1.821(e), please use the sequence listing filed on April 19, 2002 and received by the PTO on April 24, 2002, as the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
- ☒ A paper copy of the Sequence Listing:
- ☒ was filed in the above-identified parent application on December 5, 2001 and received by the PTO on January 23, 2002.
- ☐ is included herewith in a separately filed preliminary amendment for incorporation into the specification.
- ☐ A Statement to Support Submission of Sequence Information is enclosed.
- ☐ Information Disclosure Statement including:
- ☐ Form 1449.
- ☐ Copies of References - _____ listed on the attached Form PTO-1449.
- ☐ A copy of Petition for Extension of Time as filed in the prior case for copendency.
- ☐ Appended Material as follows: .

☒ Return Receipt Postcard (should be specifically itemized).

FEE CALCULATION:

- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

			SMALL ENTITY		NOT SMALL ENTITY	
			RATE	FEE	RATE	FEE
DESIGN APPLICATION BASE FEE			\$165.00		\$330.00	0
UTILITY APPLICATION BASE FEE			\$375.00		\$750.00	\$750.00
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS						
	No. Filed	No. Extra				
TOTAL NO. OF CLAIMS	22 - 20 =	2	\$9 each		\$18 each	\$36.00
NO. OF INDEPENDENT CLAIMS	4 - 3 =	1	\$42 each		\$84 each	\$84.00
MULTIPLE DEPENDENT CLAIM FEE			\$140		\$280	0
ADDITIONAL FILING FEE						0
TOTAL FILING FEE DUE						\$890.00

- ☒ A Check is enclosed in the amount of \$890.00.
- ☐ Please charge Deposit Account No. 23-3050 for the filing fee of _____.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment or charge any deficiency in payment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 CFR § 1.16.

- ☒ Any additional patent application processing fees under 37 CFR §§ 1.17 or 1.20(d)
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.
- ☒ Address all correspondence to Customer No. 32650 which is assigned to **WOODCOCK WASHBURN LLP, One Liberty Place - 46th Floor Philadelphia PA 19103**




32650

PATENT TRADEMARK OFFICE

- ☒ Direct all telephone calls to:
- Emma R. Dailey
WOODCOCK WASHBURN LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone No.: (215) 568-3100
Facsimile No.: (215) 568-3439

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: June 20, 2003


Emma R. Dailey
Registration No. 48,491